

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHARLES DON FLORES,	§	
<i>Petitioner,</i>	§	
	§	
v.	§	
	§	CIV. NO. 3:07-CV-413-M
BOBBY LUMPKIN, Director,	§	(Death Penalty Case)
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	
Division,	§	
<i>Respondent.</i>	§	

**RESPONDENT'S UNOPPOSED MOTION  
TO SUBSTITUTE COUNSEL**

This is a federal habeas case. Petitioner Charles Flores is a Texas state inmate under a sentence of death. Respondent Director Bobby Lumpkin is Mr. Flores's custodian. This case has been reassigned to the undersigned assistant attorney general who will now be representing the Director in this proceeding. Thus, the Director moves to permit Tomee Heining to withdraw as counsel of record for the Director and substitute the undersigned in her place. This substitution request is not designed or intended to harass Mr. Flores or to delay this proceeding. Any future documents should be sent to the same address (if physically delivered) or to the undersigned's email address (if electronic).

## CONCLUSION

The Director respectfully requests that the Court allow Tomee Heining to withdraw as counsel and substitute the undersigned as counsel of record for the Director.

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

JOSH RENO  
Deputy Attorney General  
For Criminal Justice

EDWARD L. MARSHALL  
Chief, Criminal Appeals Division

s/ Ali M. Nasser  
ALI M. NASSER  
Assistant Attorney General  
*Counsel of Record*  
State Bar No. 24098169

Post Office Box 12548, Capitol Station  
Austin, Texas 78711  
Tel: (512) 936-2134  
Ali.Nasser@oag.texas.gov

*Counsel for Respondent*

### **CERTIFICATE OF CONFERENCE**

I certify that, on August 9, 2021, I conferred through electronic mail with Mr. Flores's counsel, Gretchen Sween, about this motion and she stated that she was unopposed to it.

s/ Ali M. Nasser  
ALI M. NASSER  
Assistant Attorney General

### **CERTIFICATE OF SERVICE**

I do hereby certify that on August 10, 2021, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a "Notice of Electronic Filing" (NEF) to the following counsel of record, who consented in writing to accept the NEF as service of this document by electronic means:

Gretchen Sims Sween  
PO Box 5083  
Austin, TX 78763  
214-557-5779  
gsweenlaw@gmail.com

s/ Ali M. Nasser  
ALI M. NASSER  
Assistant Attorney General